

RECEIVED United States District Court

94 AUG 3 A/D: 12

District of New York

UNITED STATES OF AMERICA

V.

SOUTHERN DISTRICT OF NY
Menachem Pri-Har

(Name of Defendant)

AMENDED

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: SSSSS93cr0278-01 (JES)

Don Harwood, Esq.

Defendant's Attorney

John McCormick, AUSA

THE DEFENDANT:

pleaded guilty to count(s) _____

was found guilty on count(s) SSSSS1 through SSSSS24, inclusive after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
USC 371	Conspiracy to Defraud the U.S. Dept. of Agriculture	SSSSS1	
USC 714m(a)	Defrauding the U.S. Dept. of Agriculture	SSSSS2 through 9	
USC 371	Conspiracy to Commit Bank Fraud	SSSSS10,18,20	
BBC 1344 and 2	Bank Fraud	SSSSS11,12,19,21,22	
USC 371	Conspiracy to Commit Wire Fraud	SSSSS 13	
USC 1343	Wire Fraud	SSSSS14 through 17	
USC 1014 and 2	False Statements on Loan or Credit Application The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.	SSSSS 23 and 24	

The defendant has been found not guilty on count(s) _____ and is discharged as to such count(s).

Count(s) of the underlying ind's except SS10, (is) (are) dismissed on the motion of the United States.

It is ordered that the defendant shall pay a special assessment of \$ 50.00 SSSSS1 through 24 inclusive=\$1200.00 which shall be due immediately as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 093-68-3602

Defendant's Date of Birth: 6-10-54

July 20, 1994

Defendant's Mailing Address:

Spouse with:

Date of Imposition of Sentence

Name

7 Red Rock Lane

Docket Clerk

Signature of Judicial Officer

Oakdale, NY 11769

Hon. John E. Sprizzo, U.S.D.J.

Defendant's Residence Address:

Connelly C. C. 08-11-94 (212) 791-0105

Name & Title of Judicial Officer

July 20, 1994

Date

Defendant: Menachem Pri Mar

Judgment—Page 2 of 6

Case Number: SSSSS93cr278-01(JES)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of _____

Count 1 through 10 inclusive - SIXTY (60) MONTHS concurrent

Counts 13 through 18, inclusive - SIXTY (60) MONTHS concurrent

Count 20 - SIXTY (60) MONTHS

Counts 11,12,19,21, 22 - ONE HUNDRED SIXTY EIGHT (168) MONTHS concurrent

Counts 23 and 24 - TWENTY FOUR (24) MONTHS concurrent

All sentences on all counts are to run concurrent to all other counts on which sentence has been imposed.

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States marshal.
 The defendant shall surrender to the United States marshal for this district.

a.m.

at _____ p.m. on _____
 as notified by the United States marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons.

before 2 p.m. on _____
 as notified by the United States marshal.
 as notified by the probation office.

RETURN

I have executed this judgment as follows:

FED WRIT RETURN
 Defendant delivered on 8/18/04 to _____

Warden FCI Allenwood at _____, with a certified copy of this judgment.

 United States Marshal

By _____
 Deputy Marshal

Defendant: Menachem Pri Har
 Case Number: SSSS 93cr278-01(JES)

Judgment - Page 3 of 5

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of _____
FIVE (5) YEARS concurrent on all counts

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.

The defendant shall not possess a firearm or destructive device.

1. That the defendant shall make restitution as detailed on page 5 of this judgment.
2. That the defendant shall pay the fine as detailed on page 4 of this judgment.
3. That the defendant shall provide all financial information as requested by probation.
4. That the defendant shall cooperate with the banks concerning any civil lawsuits.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

Defendant: Menachem PriHar
Case Number: SSSSS93cr278-01(JES)

Judgment—Page 4 of 6

FINE

The defendant shall pay a fine of \$ 1,000,000.00. The fine includes any costs of incarceration and/or supervision.

This amount is the total of the fines imposed on individual counts, as follows:

Count 11 : ONE MILLION (\$1,000,000.00) DOLLARS.

The court has determined that the defendant does not have the ability to pay interest. It is ordered that:

The interest requirement is waived.
 The interest requirement is modified as follows:

This fine plus any interest required shall be paid:

in full immediately.
 in full not later than _____
 in equal monthly installments over a period of _____ months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter.
 in installments according to the following schedule of payments:

The probation dept. is to determine a schedule for payments and is to make certain that the defendant is making a good faith effort to pay this fine over the course of the fourteen years of prison and five years of supervised release imposed.

12
14
168

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: Menachem Prihar
Case Number: SSSSS93cr278-01 (JES)

Judgment - Page 5 of 6

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
USDA	
Standard Chartered Bank	
BNP-New York	
BNP-Geneva	
United Overseas Bank	
RAM Steel	
Citibank	
Bank of Tokyo	
	TOTAL - THIRTY NINE MILLION
	(\$39,000,000.00) DOLLARS

Payments of restitution are to be made to:

the United States Attorney for transfer to the payee(s).
 the payee(s).

Restitution shall be paid:

in full immediately.
 in full not later than _____.
 in equal monthly installments over a period of _____ months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter.
 in installments according to the following schedule of payments:
According to a schedule as determined by the probation dept. The probation dept. is to make certain that the defendant is making a good faith effort to make restitution over the course of the ~~fifteen~~ years of prison and five years of supervised release imposed.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

FORFEITURE

The defendant is ordered to forfeit the following property to the United States:

Defendant: Menachem Pri Har
Case Number: SSSSS93cr278-01(JES)

Judgment - Page 6 of 6

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

OR

The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

see attached transcript

Guideline Range Determined by the Court:

Total Offense Level: 34

Criminal History Category: I

Imprisonment Range: 151 to 188 months

Supervised Release Range: 3 to 5 years

Fine Range: \$ 25,000.00 to \$ 1,000,000.00

Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ 39,000,000.00

Full restitution is not ordered for the following reason(s):

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

see attached transcript

OR

The sentence departs from the guideline range

upon motion of the government, as a result of defendant's substantial assistance.

for the following reason(s):